

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICKOLAS A. DOHERTY,

Defendant.

Case No. 16-CR-151-JPS

**ORDER**

On September 20, 2016, the grand jury returned a two-count indictment against Defendant, charging him with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), and one count of possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D). (Docket #1). Upon granting in part Defendant's motion to suppress on February 14, 2017, the Court dismissed Count Two of the Indictment. (Docket #28). On March 14, 2017, the parties filed a plea agreement indicating that Defendant agreed to plead guilty to Count One of the Indictment. (Docket #30 at 1–2).

The parties appeared before Magistrate Judge Nancy Joseph on April 4, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #35). Defendant entered a plea of guilty as to Count One of the Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Joseph determined that the guilty plea was knowing and voluntary, and that the offenses charged were supported by independent factual bases containing each of the essential elements of the offenses. (Docket #34 at 1–2).

Thereafter, on April 5, 2017, Magistrate Joseph filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. *Id.* at 2. Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. (Docket #34 at 1–2).

To date, no party has filed such an objection.

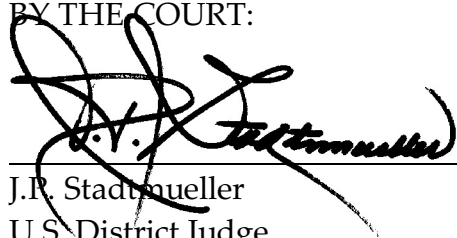
The Court has considered Magistrate Joseph's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

**IT IS ORDERED** that Magistrate Judge Nancy Joseph's Report and Recommendation (Docket #34) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 21st day of April, 2017.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge